

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JIMMY DOWNS,

Plaintiff,

vs.

NEVADA TAXICAB AUTHORITY, *et al.*,

Defendant.

Case No. 2:11-cv-00453-JCM-PAL

**ORDER**

(Request for Stay of Disc. - Dkt. #29)

Before the court is Defendant Nevada Taxicab Authority's Request for Stay of Discovery (Dkt. #29) which was filed in the same document as a Second Motion to Dismiss (Dkt. #28). The court has reviewed Defendant's Motion, and Plaintiff's Opposition (Dkt. #30).

On October 20, 2011, the district judge entered an Order (Dkt. #37) granting in part and denying in part Defendants' Motion to Dismiss. The district judge dismissed Plaintiff's claims for monetary relief against the State of Nevada, the Nevada Taxicab Authority, and Michael Ferriolo, in his official capacity, finding the Defendants were entitled to Eleventh Amendment immunity. However, he denied the motion to dismiss Plaintiff's Section 1983 claim against Michael Ferriolo in his individual capacity.

While the Defendants' second motion to dismiss Plaintiff's complaint and request for stay of discovery were pending, the parties submitted a Stipulation and Proposed Order to Amend (Dkt. #36) the court's discovery plan and scheduling order. The court approved the stipulation and extended the discovery plan and scheduling order deadlines as requested. See Order (Dkt #37). Accordingly,

///

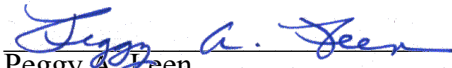
///

///

///

1           **IT IS ORDERED** Defendants' Request for a Stay of Discovery (Dkt. #29) is **DENIED as**  
2 **moot**, and the deadlines established in the Amended Discovery Plan and Scheduling Order (Dkt. #37)  
3 shall apply.

4           Dated this 9<sup>th</sup> day of November, 2011.

5  
6   
7 Peggy A. Zee  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28